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TRACY ANN CHILDERS

IN THE UNITED STATES DISTRICT COURT FOR

THE DISTRICT OF HAWAII

TRACY ANN CHILDERS,

Plaintiff,

vs.

PARK HOTELS & RESORTS, INC.
dba HILTON WAIKOLOA VILLAGE,
a Delaware corporation,

Defendants.

Civil No.
(Other Tort Action)

**COMPLAINT; EXHIBIT
“A”; SUMMONS**

COMPLAINT

TRACY ANN CHILDERS (hereinafter “Childers”), by and through her attorneys, file this Complaint against PARK HOTELS & RESORTS, INC. dba Hilton Waikoloa Village (hereinafter “Hilton Waikoloa”) as follows:

I. THE PARTIES

1. Childers is a resident of the State of Washington and resides in Bonney Lake, Washington.
2. Hilton Waikoloa’s owner, Park Hotels & Resorts, Inc., is a Delaware corporation that does business in the State of Hawaii.
3. This court has jurisdiction over the parties herein pursuant to 28 USC § 1332 because Childers has a different citizenship than all defendants and the amount in controversy exceeds \$75,000.
4. The venue is proper in this Court pursuant to 28 USC §1391 because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district, including but not limited to, the judicial district in which Childers was injured and the judicial district in which Hilton Waikoloa’s negligence occurred.

II. NEGLIGENCE

5. On or about July 17, 2022 Childers and her wife, Eileen Coyne (hereinafter “Coyne”), traveled to Kailua-Kona, Hawaii to enjoy their honeymoon.

6. On July 23, 2022 Childers and Coyne rented a cabana within the pool area of the Hilton Waikoloa Hotel or Village. A copy of the pool and hot tub area is shown on Exhibit “A” attached hereto. The area marked with yellow is the area where Childers slipped and fell.

7. Childers and Coyne went into the hot tub, shown in the yellow area of Exhibit “A”.

8. As Childers left the hot tub Childers began to walk down the three steps to return to the pool deck.

9. As Childers began to walk down the three steps she was barefoot and held nothing in her hands.

10. When Childers stepped onto the second step her right foot slipped and the top of her right foot scraped along the front portion of the bottom step.

11. At the time when Childers slipped, the steps were wet and slippery. Hilton Waikoloa was negligent to allow these steps to become slippery and/or to allow water to flow onto the steps.

12. At the time when Childers slipped there were no hand rails on the makai side of the steps. Hilton Waikoloa was negligent in failing to install handrails knowing that persons had to walk onto steps that were likely to be wet.

13. At the time when Childers slipped there were no signs warning Childers that the steps were slippery when wet. Hilton Waikoloa was negligent to not have warning signs near the steps.

14. At the time when Childers slipped the hot tub area was built and maintained that allowed to drain down onto the steps.

15. On July 23, 2022 Hilton Waikoloa was negligent in one or more of the following ways:

- a. Building or maintaining the hot tub area by allowing water to drain or flow down to the three step area;
- b. Maintaining the three step area to allow the three steps to become slippery when wet;
- c. Failing to build or install a handrail on the makai side of the three steps;
- d. Failing to place a warning sign alerting persons that the three steps were slippery when wet.

16. Childers slipped and fell and suffered a fracture of the lateral malleolus as a result of the negligence of Hilton Waikoloa. Childers later suffered a fracture line through the fifth metatarsal which was diagnosed in December 2022.

17. As a result of the negligence of Hilton Waikoloa, Childers suffered serious physical injuries and suffered great pain of body and mind, incurred income loss to treat her injuries and incurred medical bills.

18. As a result of the negligence of Hilton Waikoloa, Childers will incur future medical problems related to the fact that metal has been placed in her right ankle.

WHEREFORE, Childers requests that the Court enter the following Judgment against Hilton Waikoloa, as follows:

1. For general damages proven at trial.
2. For special damages proven at trial.
3. For all costs incurred herein.
4. For such further relief as just under the circumstances.

DATED: Honolulu, Hawaii, June 14, 2022.

/s/Michael F. O'Connor
MICHAEL F. O'CONNOR
Attorney for Plaintiff